

DPF
clm

February 3, 2006

Chambers of The Honorable
Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

SO ORDERED

Re: United States v. Richard G. Gotti
Docket No. 04-2746-cr
United States Court of Appeals
for the Second Circuit Court
Our File No.: 22-16

USDJ 2/7/06.

Dear Judge Block:

I write to request the Court's assistance in the filing of a Notice of Appeal in the above captioned matter.

I was under the impression that no Notice of Appeal had to be filed from the order of December 19, 2005 as I believed it would track the notice previously filed. I learned today, much to my dismay, that was not the case.

I am writing to request the Court to allow me to file a notice out of time so that I might draft on the arguments already advanced in the United States Court of Appeals for the Second Circuit. The practical effect of such relief will be to save scarce C.J.A. Funds as our brief will be pro-forma and not raise additional issues.

I have contacted Ms. Jestin and she has no objection to the requested relief.

Very truly yours,

/s/ Harry C. Batchelder Jr.
Harry C. Batchelder, Jr.

HCB/ca

cc: Assistant United States Attorney
Katya Jestin